

Via Electronic Submission: Filed as notice of written ex parte communication submitted via email to recipients at 2:31 p.m., Eastern time, February 13, 2003.

February 13, 2003

The Hon. Michael Powell
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20544

RE: In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket Nos. 01-338, 96-98 and 98-147, Notice of Proposed Rulemaking, FCC 01-361 (rel. Dec. 20, 2001).

Dear Chairman Powell:

We are writing in response to Qwest's January 30, 2003, ex parte filing in the instant docket. Therein, Qwest proposed a framework for immediately eliminating the availability of UNE-P in some geographic areas, and for transitioning away from UNE-P in other areas. That proposal appears to have support from two state utility commissioners, Bob Rowe of Montana and Joan Smith of Oregon.

The Minnesota Public Utilities Commission (MPUC), emphatically, does not support Qwest's proposal. The MPUC has filed comments in the instant docket (January 24, 2003) indicating the critical necessity of preserving UNE-P on the FCC's national UNE list, and the importance to Minnesota of maintaining maximal state discretion over adding UNEs to a national list.

We urge the Commission to (i) make it clear that no preemption is intended or should be implied with respect to state additions to the national UNE list; (ii) that such a list should, at a minimum, include all existing UNEs; (iii) that carriers wishing to remove a UNE from the list must make a factual case before a state commission; (iv) that any UNE subject to challenge remain on the list until the state commission makes a finding that it should be removed; (v) that the Commission should caucus extensively with state commissions before promulgating "necessary and impair" standards; and (vi) that the Commission should confirm its previous ruling that states retain the right to add UNEs to the national list.

Thank you for your attention to our concerns. Please do not hesitate to contact us for additional information.

Sincerely,

/s/ Chairman LeRoy Koppendrayner

/s/ Commissioner Gregory Scott

/s/ Commissioner Marshall Johnson

/s/ Commissioner Phyllis Reha

/s/ Commissioner Ellen Gavin

Minnesota Public Utilities Commission
121 Seventh Place East
Suite 350
St. Paul, MN 55101

cc: Commissioner Abernathy
Commissioner Adelstein
Commissioner Copps
Commissioner Martin
Lisa Zaina
Matthew Brill
Jordan Goldstein
Dan Gonzalez
Christopher Libertelli